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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/707,331   | 12/05/2003  | Bertil JONSSON       | 07589.0139.PCUS00   | 1330             |
| 28694  | 7590        | 06/20/2005           | EXAMINER            |                  |
| NOVAK DRUCE & QUIGG, LLP<br>1300 EYE STREET NW<br>SUITE 400 EAST<br>WASHINGTON, DC 20005 |             |                      | LEWIS, TISHA D      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3681                |                  |

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                 |  |
|------------------------------|-------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/707,331 | Applicant(s)<br>JONSSON, BERTIL |  |
|                              | Examiner<br>TISHA D. LEWIS    | Art Unit<br>3681                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

The following is a response to the amendment received on April 20, 2005 which has been entered.

#### ***Response to Amendment***

Claims 1-8 are pending in the application.

#### ***Response to Arguments***

Applicant's arguments filed April 20, 2005 have been fully considered but they are not persuasive. Applicant's argument against all the references used in the 102 rejections state that the auxiliary units used in these references are not operatively connected to the planet wheel shaft. Applicant's broad claiming of the auxiliary unit operatively connected to a planet wheel shaft forming part of the transmission does not suggest that the planet shaft has to be directly connected to the gear wheels themselves. In fact, since the shafts (suggested to be the planet shafts in the rejections) are connected (fixed to the carrier for common operation) to the planet carrier holding the planet wheels, then these shafts can be considered planet wheel shafts. Applicant's argument pertaining to Kronogard is acknowledged; however the incorrect reference must have been viewed by applicant in responding to the arguments (reference characters designated in argument don't match reference characters in patent 4,326,375).

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended limitation "said fixed planet carrier ***being stationarily arranged relative to a casing of said transmission***" is not supported or described in the disclosure (considered to be new matter).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being unpatentable by Stockton ('016). As to claims 1 and 8, Stockton discloses a gas turbine arrangement having a planetary transmission (206) with a fixed carrier (fixed to planet shaft 216), an arrangement for driving an auxiliary unit (226) wherein the auxiliary is ***operatively*** connected to the planet wheel shaft through gear (222).

As to claim 3, Stockton discloses pumps (226) and compressor (230) inside a housing of the transmission (10).

As to claim 4, Stockton discloses an oil pump (column 4, lines 10-11) as one of the auxiliaries.

As to claim 7, Stockton discloses a generator (200) generating electrical power.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being unpatentable by Kronogard ('375). As to claims 1 and 8, Kronogard discloses a gas turbine transmission plant having a planetary transmission with a fixed carrier (24 fixed to shaft 26), an arrangement for driving at least one auxiliary unit (22 is considered auxiliary; column 2, line 67 to column 3, line 1) wherein the unit is operatively connected to shaft 26 of the planet carrier.

As to claims 2 and 6, Kronogard discloses the auxiliary unit being connected directly to the shaft 24 by shaft 26.

As to claim 3, Kronogard discloses the auxiliary unit built into the transmission.

As to claim 7, Kronogard discloses the auxiliary unit being a generator (22) generating electrical power.

Claims 1, 2 and 6-8 are rejected under 35 U.S.C. 102(b) as being unpatentable by SU 1815368A1. As to claims 1 and 8, the SU reference discloses a gas turbine plant having a planetary transmission (6) with a fixed carrier (18 fixed to shaft 7), an arrangement for driving at least one auxiliary unit (9) wherein the unit is operatively connected to shaft 7 which carries the carrier for the planet wheel shafts.

As to claims 2 and 6, the SU reference discloses the auxiliary unit being connected directly to the planet wheel shafts by shaft 7.

As to claim 7, SU reference discloses the auxiliary unit being a generator (9) generating electrical power.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stockton in view of Howes et al ('406). Stockton discloses different auxiliaries, but not an oil separator.

Howes et al discloses a gas turbine arrangement having a planetary transmission (504) running an oil pump (237) and an oil separator (791).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the auxiliary unit of Stockton with an oil separator in view of Howes et al to provide oil under pressure to the gas turbine or separate clean and dirty oil for re-lubrication of the gas turbine.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kronogard in view of Howes et al ('406). Kronogard discloses an auxiliary unit, but not in the form of an oil pump or oil separator as claimed.

Howes et al discloses a gas turbine arrangement having a planetary transmission (504) running an oil pump (237) and an oil separator (791).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the auxiliary unit of Kronogard with an oil pump or

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separator in view of Howes et al to provide oil under pressure to the gas turbine or separate clean and dirty oil for re-lubrication of the gas turbine.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the SU reference.

The SU reference discloses the auxiliary unit mounted to the transmission, but not built into the transmission as claimed.

It would have been an obvious design choice to a person of ordinary skill in the art at the time the invention was made to build the auxiliary unit of the SU reference into the transmission casing to reduce axial length of the arrangement, since applicant in the specification (page 7, paragraph [0018]) suggest that the auxiliary unit can be built inside the transmission or other auxiliary units can be mounted outside the transmission.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the SU reference in view of Howes et al ('406). The SU reference discloses an auxiliary unit, but not in the form of an oil pump or oil separator as claimed.

Howes et al discloses a gas turbine arrangement having a planetary transmission (504) running an oil pump (237) and an oil separator (791).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the auxiliary unit of the SU reference with an oil pump or separator in view of Howes et al to provide oil under pressure to the gas turbine or separate clean and dirty oil for re-lubrication of the gas turbine.

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### FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 872-9326 before final and 703-872-9327 after final**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to  
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Typed or printed name of person signing this certificate:

\_\_\_\_\_

\_\_\_\_\_

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

### Conclusion

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-Thur 6 AM TO 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Tdl  
June 16, 2005

  
TISHA LEWIS  
PRIMARY EXAMINER  
AU 3681 6/16/05